

Attachment to Independent Case Review Report  
For CDRU # 867B Case file # 95-HQ-290524.

Material Examiner Malone (RO)

Remarks:

After research it has been determined that the Laboratory numbers 901018049 and 901018050 have been discontinued and the incoming communication for Laboratory number 920423045 is missing from the case file at the time of review by the Independent Scientist.

CRM - 6692



Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: Submitting agency letter dated Oct 9, 1990, page 2.

Also refer to review of 95-290529.

### Results of Review

File #: 95-290524. Item or Specimen # Reviewed: From victim Stanford in 91027050:

Q1-Q2, Q4-Q7. From victim Sweets in 91027053, 91108074, 20423045: Q1-Q8, Q16-Q21, K1-K7, K8-K16

### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

Page 2 of 4

Initials: SM

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-290524

#1. There is documented data that marginally supports the testing performed. The examiner could have performed infrared analysis, a more specific analysis than microscopy, to specifically identify the polymer type of the nylon fibers. The match criteria for the microspectrophotometer spectra is unknown.

#2. The results are not adequately documented in the notes. None of the notes are dated, most are written in pencil and abbreviations are used that are difficult to interpret. The Textile Fiber Comparison worksheet does not specify which K fiber is being examined. The spectra from the microspectrophotometer are not marked with the instrumental parameters used. Many of the notes contain no data, only a conclusion.

#5. The examiner testified that the fibers can "only be from carpet - it can be nothing else". This is a strong statement and likely incorrect. Else, why would he have used the term "carpetlike" to describe the fibers in his report dated Dec. 8, 1989 (lab 91027053,91108074)?

Review completed at: 1:15 PM (Time), 09/16/99 (Date)

Total time spent conducting review (to nearest 1/4 hour):

2 3/4 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts  
(Signature)

9-16-99  
(Date)

Page 3 of 4

Initials: JMR

Additional Comments  
(Set forth by question #, if applicable)

File #: 95-290524

He also testified "if it has lobes like this, you know it has to be a nylon". Trilobal fibers can be made with other polymers besides nylon, so this statement is misleading.

Testimony that "we have a machine that can get it down to one specific dye from all others", "it can tell one particular dye from all others" and "they had exactly the same dyes" is incorrect and misleading. The microspectrophotometer is used to measure color. Articles published in the Journal of Forensic Sciences in 1988 and 1990 specifically point out that spectra cannot be used to identify dyes - they only allow determination of color.

Page 4 of 4

Initials: SM

SMU

Attachment to Independent Case Review Report  
For CDRU # 869 Case file # 95-290529.

Material Examiner Malone (RO)

Remarks:

After research it has been determined that the dictation notes of Examiner Malone (RO) are missing/incomplete from the case file for submission 901018048 which may be due to this submission being discontinued at the time of review by the Independent Scientist.

# INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: STEVE ROBERTSON

Area(s) of Expertise: HAIR AND FIBERS

Review commenced at: 8:15AM (Time), 09/13/99 (Date)

File #: 95-290529

Laboratory #(s): 91027052 S RQ

## Examiner(s) & Symbols

	Reviewed	Not Reviewed	Reviewed	Not Reviewed
<u>RQ</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Materials Reviewed

Trial testimony transcript(s) of: MICHAEL MALONE

Testimony Date(s): FEB 23/24, 1994 Pages: 3111-3113, 3150-3175

Laboratory Report(s):

Laboratory Number: 91027052 Date: 12-01-89

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner Bench Notes of: 91027052

Laboratory Number: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_

Laboratory Number: \_\_\_\_\_

Page 1 of 4

Initials: SRM

**CRM - 6695**

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: SUMMARY OF INVESTIGATION FROM HOMICIDE  
TASK FORCE, SUBMISSION LETTER DATED 9-26-90, PAGE 2 of apparent  
SUBMISSION LETTER DATED 10-09-90

### Results of Review

File #: 95-290529 Item or Specimen # Reviewed: Q1-Q15

### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
  - 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
  - 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

Page 2 of 4

Initials SM



Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

#1. THERE IS NO DOCUMENTED DATA. THEREFORE, CANNOT DETERMINE  
IF TESTS WERE DONE IN A SCIENTIFICALLY ACCEPTABLE MANNER.

#2. THERE IS NO DATA, ONLY A NOTE THAT Q1-Q15 ARE "NONE  
LIKE K1-K7" AND "NONE LIKE 91027050".

051  
053

#3,4,5. THE TRANSCRIPT IS MISSING MOST OF THE DIRECT GRAM.  
IT APPEARS THAT RQ TESTIFIES THAT CARPET FIBERS ON VICTIM  
SWEETS IS LIKE SUSPECT JONES' CARPET. THE FBI CASE FILE GIVEN  
TO REVIEW CONTAINS ONLY INFORMATION ABOUT VICTIM GLEWER.

THERE IS A NOTE ON PAGE 2 OF A DOCUMENT DATED OCT 9, 1990  
TO FBI THAT "EVIDENCE RET'D TO CONTRIBUTOR 4/8/91 UNEXAMINED.  
LONG. COVER LETTER UNAVAIL)". THERE IS ALSO AN ATTACHMENT

Review completed at: 10:15 AM (Time), 9/13/99 (Date)

Total time spent conducting review (to nearest 1/4 hour): 2 hrs.

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts 9-13-99  
(Signature) (Date)

Additional Comments  
(Set forth by question #, if applicable)

File #: 95-290529

TO INDEPENDENT CASE REVIEW REPORT FOR CDRU # 869 CASE  
file #95-290529. THIS NOTE STATES "AFTER RESEARCH IT HAS  
BEEN DETERMINED THAT THE DICTATION NOTES OF EXAMINER MAWNE (RQ)  
ARE MISSING/INCOMPLETE FROM THE CASE FILE FOR SUBMISSION  
Q1018048 WHICH MAY BE DUE TO THIS SUBMISSION BEING DISCONTINUED  
AT THE TIME OF REVIEW BY THE INDEPENDENT SCIENTIST."

Additional attachment for CDRU # 869, case file # 95-290529.

The lab work for CDRU # 868, case file #95-290526 of Examiner Malone (RQ) was requested and reviewed by the independent scientist. The independent scientist required this additional lab work to review to complete his review of CDRU #869, case file #95-290529.

CRM - 6696